

## CHAPTER 5

# ON THE PROTECTION OF THE NON-MUSLIMS' LIVES, PROPERTIES AND PLACES OF WORSHIP



## 5.1 THE PROTECTION OF NON-MUSLIM CITIZENS DURING THE TIME OF THE PROPHET MUHAMMAD ﷺ

The blessed period of the Messenger of God ﷺ was an unparalleled time in history. There is no comparable era in which the rights of non-Muslim citizens were so well protected. The Prophet ﷺ provided a constitutional and legal status to this protection through his agreements, accords, contracts and commands. The agreement worked out with the people of Najran is a notable example in which all their rights and freedoms—in particular religious freedoms—were guaranteed. Imam Abū ‘Ubayd al-Qāsim b. al-Sallām, Imam Ḥumayd b. Zanjawayh, Ibn Sa‘d and al-Balādhūrī have cited a hadith in which the Prophet ﷺ dictated:

وَلَنَجْرَانَ وَخَاشِيَتَهَا ذِمَّةُ اللَّهِ وَذِمَّةُ مُحَمَّدٍ النَّبِيِّ رَسُولِ اللَّهِ، عَلَى دِمَائِهِمْ وَأَنْفُسِهِمْ  
وَمِلَّتِهِمْ وَأَرْضِهِمْ وَأَمْوَالِهِمْ وَمِلَّتِهِمْ وَرَهْبَانِيَّتِهِمْ وَأَسَاقِفَتِهِمْ وَغَائِبِهِمْ وَشَاهِدِهِمْ وَغَيْرِهِمْ  
وَبِعَنَتِهِمْ وَأَمْلَتِهِمْ، لَا يُغَيَّرُ مَا كَانُوا عَلَيْهِ، وَلَا يُغَيَّرُ حَقٌّ مِنْ حُقُوقِهِمْ وَأَمْلَتِهِمْ، لَا  
يُقْتَنُ أُسْقُفٌ مِنْ أُسْقَفِيَّتِهِ، وَلَا رَاهِبٌ مِنْ رَهْبَانِيَّتِهِ، وَلَا وَاقِفٌ مِنْ وَقَافِيَّتِهِ، عَلَى مَا  
تَحْتَ أَيْدِيهِمْ مِنْ قَلِيلٍ أَوْ كَثِيرٍ، وَلَيْسَ عَلَيْهِمْ رَهَقٌ.

‘Indeed, Najran and her allies are under the protection of God and the guarantee of the Messenger of God ﷺ. They are to be protected in their wealth, lives, lands and religion. This includes their priests, monks, those who are present amongst them and those who are absent and others amongst them, and their delegations and the like. They shall not be forced to change that (faith) which they are upon and no right of theirs is to be forfeited. No monk, priest or attendant amongst them should lose that which is in his possession, be it plentiful or scarce, and no fear or danger will threaten them’.<sup>1</sup>

<sup>1</sup> Cited by Abū Yūsuf in *al-Kharāj*, 78; Abū ‘Ubayd al-Qāsim b. Sallām in *Kitāb*  
Screen View Only—Click to get a hard copy: <http://www.MinhajPublications.com>

Imam Humayd b. Zanjawayh states that this agreement remained in force during the reign of Abū Bakr al-Ṣiddīq ﷺ after the passing of the Messenger of God ﷺ. Certain amendments were incorporated in it due to the changing circumstances during the reign of ʿUmar and ʿUthmān ﷺ, but the responsibility for protecting the rights of the non-Muslims, which was the main highlight of the agreement, remained intact.

Likewise, the Prophet ﷺ issued a declaration about the properties and belongings of the Jews during the conquest of Khaybar. This was reported by Imam Aḥmad, Imam Abū Dāwūd, Imam al-Ṭabarānī and other Imams of hadith. Khālīd b. al-Walīd ﷺ said,

غَزَوْنَا مَعَ رَسُولِ اللَّهِ ﷺ غَزْوَةَ خَيْبَرَ، فَأَسْرَعَ النَّاسُ فِي حِطَائِرِ يَهُودَ، فَأَمَرَنِي أَنْ  
أُنَادِيَ: الصَّلَاةَ. . . ثُمَّ قَالَ ﷺ: أَيُّهَا النَّاسُ، إِنَّكُمْ قَدْ أَسْرَعْتُمْ فِي حِطَائِرِ يَهُودَ.  
أَلَا! لَا تَحِلُّ أَمْوَالُ الْمُعَاهِدِينَ إِلَّا بِحَقِّهَا.

‘We fought in the Battle of Khaybar with the Messenger of God ﷺ and [as victory loomed] some people hastened to enter the compounds of the Jews. The Prophet ﷺ then ordered me to deliver the call to prayer . . . then he ﷺ said, “O people! You have hastened to enter the compounds of the Jews, but beware, the property of the non-Muslim citizens is not lawful to you except that which is due”.’<sup>1</sup>

The same narration has been reported with the following wording as well:

أَلَا! وَإِنِّي أُحَرِّمُ عَلَيْكُمْ أَمْوَالَ الْمُعَاهِدِينَ بغيرِ حَقِّهَا.

*al-amwāl*, pp. 244–245 §503; Ibn Saʿd in *al-Ṭabaqāt al-kubrā*, 1:288, 358; Ibn Zanjawayh in *Kitāb al-amwāl*, pp. 449–450 §732; and al-Balādhurī in *Futūḥ al-buldān*, p. 90.

<sup>1</sup> Narrated by Aḥmad b. Hanbal in *al-Musnad*, 4:89 §16862; Abū Dāwūd in *al-Sunan: Kitāb al-aṭʿima* [The Book of Foodstuffs], chapter: ‘The Unlawfulness of Eating Beasts of Prey’, 3:356 §3806; and Ibn Zanjawayh in *Kitāb al-amwāl*, p. 379 §618.

‘Beware! I forbid you from the property of the non-Muslim citizens, except that which is due’.<sup>1</sup>

Imam al-Dāraquṭnī reported the same hadith in a different wording, where Khālīd b. al-Walīd رضي الله عنه said,

حَرَّمَ رَسُولُ اللَّهِ ﷺ يَوْمَ خَيْبَرَ أَمْوَالَ الْمُعَاهِدِينَ.

‘On the day of Khaybar the Messenger of God ﷺ forbade taking the wealth of the non-Muslim citizens’.<sup>2</sup>

From the assorted agreements, documents and declarations, we see that the non-Muslim citizens of the prophetic period enjoyed the following rights:

1. They enjoy equal treatment under the law
2. The protection of their religion from any harm
3. Their honour, life and property are protected
4. The Islamic government can appoint them to the highest administrative positions, provided they possess the necessary qualifications
5. They have the authority to appoint their religious representatives and office-holders without any interference
6. Their places of worship are sacred and enjoy complete protection

## 5.2 THE PROTECTION OF NON-MUSLIM CITIZENS DURING THE REIGN OF ABŪ BAKR AL-ṢIDDĪQ رضي الله عنه

The protection afforded to the life, honour and property of non-Muslim citizens was not confined to the life of the Prophet ﷺ. The Rightly Guided Caliphs who succeeded the Prophet ﷺ also continued to give the non-Muslim citizens full recognition.

During the caliphate of Abū Bakr al-Ṣiddīq, the non-Muslim citizens had similar rights as their Muslim counterparts. Whenever an Islamic army would leave for a military expedition, Abū Bakr would give special instructions to the commander:

<sup>1</sup> Narrated by al-Ṭabarānī in *al-Mu‘jam al-kabīr*, 4:111 §3828; and Ibn Zanjawayh in *Kitāb al-amwāl*, p. 380 §619.

<sup>2</sup> Narrated by al-Dāraquṭnī in *al-Sunan*, 4:287 §63.

لَا تُفْسِدُوا فِي الْأَرْضِ وَلَا تَعْصُوا مَا تُؤْمَرُونَ . . . وَلَا تُغْرِقُوا نَخْلًا وَلَا تُحْرِقْنَهَا،  
وَلَا تَعْقِرُوا بَيْمَةً وَلَا شَجَرَةً ثَمِيرًا، وَلَا تَهْدِمُوا بَيْعَةً، وَلَا تَقْتُلُوا الْوِلْدَانَ وَلَا الشُّيُوخَ  
وَلَا النِّسَاءَ. وَسَتَجِدُونَ أَقْوَامًا حَبَسُوا أَنْفُسَهُمْ فِي الصَّوَامِعِ، فَدَعَوْهُمْ، وَمَا حَبَسُوا  
أَنْفُسَهُمْ لَهُ.

‘Do not spread corruption in the earth and do not disobey orders. . . . Do not drown or burn date-palm trees. Do not kill any animal. Do not cut down a fruit-bearing tree. Do not demolish a church. Do not kill any children, old people or women. Soon you shall come upon people who have secluded themselves in cloisters; leave them to engage in that for whose sake they have secluded themselves’.<sup>1</sup>

Ḥusām al-Dīn al-Hindī mentioned an additional wording to this report in his *Kanz al-‘ummāl*,

وَلَا مَرِيضًا وَلَا رَاهِبًا.

‘And [do] not [kill] a sick person or a monk’.<sup>2</sup>

When Abū Bakr رضي الله عنه sent Yazīd b. Abī Sufyān to Syria, he said,

لَا تَهْدِمُوا بَيْعَةً . . . وَلَا تَقْتُلُوا شَيْخًا كَبِيرًا، وَلَا صَبِيًّا وَلَا صَغِيرًا، وَلَا امْرَأَةً.

‘Do not demolish any place of worship . . . and do not kill an old, feeble man or an infant or a child or a woman’.<sup>3</sup>

Thābit b. al-Ḥajjāj al-Kilābī reported that Abū Bakr al-Ṣiddīq رضي الله عنه said while delivering his address,

أَلَا! لَا يُقْتَلُ الرَّاهِبُ فِي الصَّوْمِعَةِ.

‘Beware! A priest should not be killed in his church’.<sup>4</sup>

<sup>1</sup> Narrated by al-Bayhaqī in *al-Sunan al-kubrā*, 9:85; Mālik in *al-Muwattaʿa*, 2:448 §966; ‘Abd al-Razzāq in *al-Muṣannaf*, 5:199 §9375; al-Hindī in *Kanz al-‘ummāl*, 1:296; and cited by Ibn Qudāma in *al-Mughnī*, 8:451–452, 477.

<sup>2</sup> Narrated by al-Hindī in *Kanz al-‘ummāl*, 4:474 §11409.

<sup>3</sup> Narrated by al-Bayhaqī in *al-Sunan al-kubrā*, 9:90 §17929.

<sup>4</sup> Narrated by Ibn Abī Shayba in *al-Muṣannaf*, 6:483 §33127; and al-Hindī in *Screen View Only—Click to get a hard copy: <http://www.MinhajPublications.com>*

When Khālīd b. al-Walīd, under the command of the Abū Bakr al-Ṣiddīq (ؓ), returned to Iraq and Iran from the borders of Syria, he concluded an agreement with the non-Muslim inhabitants there that their churches and convents will not be demolished, that they can beat their wooden clapper [*nāqūs*] without any restriction—except for the times of the five daily prayers—and that they can take out their crucifixes on the occasion of their Eid.<sup>1</sup>

### 5.3 THE PROTECTION OF NON-MUSLIM CITIZENS DURING THE REIGN OF ʿUMAR B. AL-KHAṬṬĀB (ؓ)

During the caliphate of ʿUmar b. al-Khaṭṭāb (ؓ), the respect, dignity and esteem for the non-Muslim citizens of the conquered areas increased so much that they considered themselves more secure and free during that period than before. Montgomery Watt, a renowned orientalist, admitted this in his book *Islamic Political Thought: The Basic Concepts*. He said, ‘The Christians were probably better off as *dhimmis* under Muslim-Arab rulers than they had been under the Byzantine Greeks’.<sup>2</sup>

The level of protection and respect shown towards the non-Muslim citizens during ʿUmar’s caliphate can be gauged from his letter to Abū ʿUbayda (ؓ), the then Governor of Syria, in which he said,

وَأَمْنَعِ الْمُسْلِمِينَ مِنْ ظُلْمِهِمْ وَالْإِضْرَارِ بِهِمْ وَأَكْلِ أَمْوَالِهِمْ إِلَّا بِحِلِّهَا.

‘You must prohibit the Muslims from wronging and harming their non-Muslim citizens and consuming their wealth illegally’.<sup>3</sup>

It was the standard practice of ʿUmar (ؓ) that whenever a non-Muslim delegation from the Islamic territories would come to call on him, he would ask them about the conditions of the non-Muslim citizens of their locality, lest some Muslims had created problems for them. To this, they would say, ‘We can only say that

---

*Kanz al-ʿummāl*, 4:472.

<sup>1</sup> Cited by Abū Yūsuf in *Kitāb al-kharāj*, p. 158.

<sup>2</sup> Montgomery Watt, *Islamic Political Thought: The Basic Concepts*, p. 51.

<sup>3</sup> Cited by Abū Yūsuf in *Kitāb al-kharāj*, p. 152.

every Muslim has fulfilled his commitment that is present between the Muslims and ourselves'.<sup>1</sup>

‘Umar remained mindful of the rights of the minorities till the last moment of his life. Despite his impending martyrdom at the hands of a member of a minority group, he said,

أَوْصِي الْخَلِيفَةَ مِنْ بَعْدِي بِذِمَّةِ اللَّهِ وَذِمَّةِ رَسُولِهِ ﷺ: أَنْ يُوفَى لَهُمْ بِعَهْدِهِمْ، وَأَنْ يُقَاتَلَ مِنْ وَرَائِهِمْ، وَأَنْ لَا يُكَلَّفُوا فَوْقَ طَاقَتِهِمْ.

‘I advise my successor to fulfil the contract of the non-Muslim citizens who are under the protection of God and His Messenger ﷺ. I enjoin him to fight for them if the need arises and not to burden them with more than they can bear’.<sup>2</sup>

### 5.3.1 ‘UMAR’S RELAXATION OF TAX COLLECTION FROM THE NON-MUSLIM CITIZENS

‘Umar ﷺ instructed his officials to deal with the non-Muslim subjects in an excellent manner and advised them to give concessions to them in levying and collecting taxes. Aslam, a freed slave of ‘Umar ﷺ, stated,

إِنَّ عُمَرَ كَتَبَ إِلَى أُمَرَاءِ الْأَجْنَادِ: أَنْ لَا يَضْرِبُوا الْجَزِيَّةَ عَلَى النِّسَاءِ، وَلَا عَلَى الصَّبْيَانِ.

‘Umar ﷺ wrote a letter to the military commanders stating that they should not impose tax on non-Muslim women or children’.<sup>3</sup>

Imam Ibn Qudāma stated,

<sup>1</sup> Narrated by al-Ṭabarī in *Tārīkh al-umam wa al-mulūk*, 2:503.

<sup>2</sup> Narrated by al-Bukhārī in *al-Ṣaḥīḥ: Kitāb al-janā'iz* [The Book of Funerals], chapter: ‘What Has Come Regarding the Grave of the Prophet ﷺ’, 1:469 §1328; Ibn Abī Shayba in *al-Muṣannaf*, 7:436 §37059; al-Bayhaqī in *al-Sunan al-kubrā*, 8:150; and Ibn Sa‘d in *al-Ṭabaqāt*, 3:339.

<sup>3</sup> Narrated by ‘Abd al-Razzāq in *al-Muṣannaf*, 6:85 §10009; and al-Bayhaqī in *al-Sunan al-kubrā*, 9:195 §18463.



فَإِنَّ عُمَرَ رضي الله عنه أَتَى بِمَالٍ كَثِيرٍ، قَالَ أَبُو عُبَيْدٍ: وَأَحْسِبُهُ مِنَ الْجَزْيَةِ. فَقَالَ: إِنِّي لَأَظُنُّكُمْ قَدْ أَهْلَكْتُمُ النَّاسَ، قَالُوا: لَا، وَاللَّهِ، مَا أَخَذْنَا إِلَّا عَفْوَ صَفْوًا. قَالَ: بَلَا سَوَاطٍ وَلَا نَوَاطٍ؟ قَالُوا: نَعَمْ. قَالَ: الْحَمْدُ لِلَّهِ الَّذِي لَمْ يَجْعَلْ ذَلِكَ عَلَى يَدَيَّ وَلَا فِي سُلْطَانِي.

‘A large amount of wealth was brought to ‘Umar, and Abū ‘Ubayd said, “I believe it was money collected from tax”. ‘Umar said, “For certain, you have destroyed the people!” They [the tax collectors] said, “No, by God! We have only taken with tenderness and ease”. ‘Umar inquired, “Was it acquired without recourse to a whip or coercion?” They replied, “Yes”. He said, “All praise is due to God, Who did not put that on my hands or during my rule”.<sup>1</sup>

During his journey to Syria, ‘Umar saw that the tax officials were making the non-Muslim citizens stand out in the sun as their taxes were collected. Upon seeing this, he said,

دَعَوْهُمْ، لَا تُكَلِّفُوهُمْ مَا لَا يُطِيقُونَ، فَإِنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: لَا تُعَذِّبُوا النَّاسَ، فَإِنَّ الَّذِينَ يُعَذِّبُونَ النَّاسَ فِي الدُّنْيَا يُعَذِّبُهُمُ اللَّهُ يَوْمَ الْقِيَامَةِ.

‘Spare them from this and do not burden them with more than they can bear. Indeed, I heard the Messenger of God ﷺ say, “Do not torture people, for those who torture people in this life will be tortured by God on the Day of Resurrection”.<sup>2</sup>

Upon hearing this, the tax official let them go.

Hishām b. al-Ḥakīm saw ‘Iyāḍ b. Ghanam, a government officer of Homs, make a Copt stand out in the sun during the time of tax collection. He reprimanded him and said that he heard the Prophet ﷺ say,

<sup>1</sup> Ibn Qudāma al-Maqdisī, *al-Mughnī*, 9:290.

<sup>2</sup> Cited by Abū Yūsuf in *Kitāb al-kharāj*, p. 135.

إِنَّ اللَّهَ يُعَذِّبُ الَّذِينَ يُعَذِّبُونَ النَّاسَ فِي الدُّنْيَا.

‘Indeed, God shall torment those who torment others in the life of this world’.<sup>1</sup>

### 5.3.2 STIPENDS FOR THE HANDICAPPED, OLD AND POOR NON-MUSLIM CITIZENS

Such was the excellent treatment towards the non-Muslim citizens during the reign of Caliph ‘Umar رضي الله عنه that the old, disabled and the weak non-Muslim citizens were not only exempted from the tax, but were also given stipends from the government treasury for the maintenance of their households.

Imam Abū ‘Ubayd al-Qāsim b. Sallām writes in *Kitāb al-amwāl*,

إِنَّ أَمِيرَ الْمُؤْمِنِينَ عُمَرَ رضي الله عنه مَرَّ بِشَيْخٍ مِنْ أَهْلِ الذِّمَّةِ يَسْأَلُ عَلَى أَبْوَابِ النَّاسِ، فَقَالَ: مَا أَنْصَفْنَاكَ أَنْ كُنَّا أَخَذْنَا مِنْكَ الْجِزْيَةَ فِي شَبَابِكَ، ثُمَّ ضَيَعْنَاكَ فِي كِبَرِكَ. قَالَ: ثُمَّ أَجْرَى عَلَيْهِ مِنْ بَيْتِ الْمَالِ مَا يُصْلِحُهُ.

‘The Commander of the Faithful, ‘Umar رضي الله عنه, passed by an elderly man amongst the non-Muslim citizens who was begging at people’s doors. ‘Umar said to him, “We have not been fair to you if we have taken the tax from you when you were younger but left you in helplessness in your old age”. After that, ‘Umar issued instructions for the man to receive enough money from the public treasury that would take care of his needs’.<sup>2</sup>

Imam Abū Yūsuf described the same report in *Kitāb al-kharāj* in the following words:

<sup>1</sup> Narrated by Muslim in *al-Ṣaḥīḥ: Kitāb al-birr wa al-ṣila wa al-ādāb* [The Book of Piety, Filial Duty and Good Manners], chapter: ‘The Severe Divine Threat to the One Who Punishes People Unjustly’, 4:2018 § 2613; Abū Dāwūd in *al-Sunan: Kitāb al-kharāj* [The Book of Land Taxation], chapter: ‘On Being Harsh’, 3:106 § 3045; Aḥmad b. Ḥanbal in *al-Musnad*, 3:403, 404, 468; and al-Nasā’ī in *al-Sunan al-kubrā*, 5:236 § 8771.

<sup>2</sup> Narrated by Abū ‘Ubayd al-Qāsim b. Sallām in *Kitāb al-amwāl*, p. 57 § 119.  
Screen View Only—Click to get a hard copy: <http://www.MinhajPublications.com>

مَرَّ عُمَرُ بْنُ الْخَطَّابِ ۞ بِبَابِ قَوْمٍ وَعَلَيْهِ سَائِلٌ يَسْأَلُ، شَيْخٌ كَبِيرٌ ضَرِيرٌ الْبَصَرِ، فَضَرَبَ عَضْدَهُ مِنْ خَلْفِهِ، وَقَالَ: مِنْ أَيِّ أَهْلِ الْكِتَابِ أَنْتَ؟ فَقَالَ: يَهُودِيٌّ. قَالَ: فَمَا أَلْجَأَكَ إِلَى مَا أَرَى؟ قَالَ أَسْأَلُ الْجِزْيَةَ وَالْحَاجَةَ وَالسَّنَّ. قَالَ: فَأَخَذَ عُمَرُ بِيَدِهِ وَذَهَبَ إِلَى مَنْزِلِهِ فَرَضَخَ لَهُ بِشَيْءٍ مِنَ الْمَنْزِلِ. ثُمَّ أَرْسَلَ إِلَى خَازِنِ بَيْتِ الْمَالِ، فَقَالَ: انْظُرْ هَذَا وَضُرَّاءَهُ، فَوَاللَّهِ، مَا أَنْصَفْنَاهُ أَنْ أَكَلْنَا شَيْئَهُ، ثُمَّ نَخَذُلُهُ عِنْدَ الْهَرَمِ ﴿إِنَّمَا الصَّدَقَتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْفُقَرَاءُ هُمُ الْمُسْلِمُونَ، وَهَذَا مِنَ الْمَسَاكِينِ مِنْ أَهْلِ الْكِتَابِ. وَوَضَعَ عَنْهُ الْجِزْيَةَ وَعَنْ ضُرَّائِهِ.

‘Umar b. al-Khaṭṭāb ۞ passed by the door of some people and there was an elderly blind man there, begging. ‘Umar put his hand on his arm from behind and asked, “From which group amongst the People of the Book do you belong?” The man replied, “I am a Jew”. ‘Umar then asked him, “So why are you begging?” “I am begging for money”, the man said, “so I can pay the tax and fulfil my needs, because I am too old to earn money”. ‘Umar took him by the hand and led him to his home and gave him a few things, then he sent him to the treasurer of the public treasury and said, “Take care of him and those like him, for by God, we have not treated him fairly if we benefited from him in his younger days but left him helpless in his old age! “[Then he recited the verse,] *‘Charity is only for the poor and indigent’*”<sup>1</sup> and the poor are amongst the Muslims and this one is from the indigent amongst the People of the Book”. So ‘Umar exempted him and those like him from payment of taxes’.<sup>2</sup>

‘Abd Allāh b. Ḥadrad al-Aslamī said,

لَمَّا قَدِمْنَا مَعَ عُمَرَ بْنِ الْخَطَّابِ الْجَابِيَّةَ، إِذَا هُوَ بِشَيْخٍ مِنْ أَهْلِ الذِّمَّةِ يَسْتَطْعِمُ، فَسَأَلَ عَنْهُ، فَقُلْنَا: يَا أَمِيرَ الْمُؤْمِنِينَ، هَذَا رَجُلٌ مِنْ أَهْلِ الذِّمَّةِ كَبِيرٌ وَضَعُفٌ. فَوَضَعَ

<sup>1</sup> Qur’ān 9:60.

<sup>2</sup> Abū Yūsuf, *Kitāb al-kharāj*, p. 136.

عَنْهُ عُمَرُ الْجَزِيَّةَ الَّتِي فِي رَقَبَتِهِ. وَقَالَ: كَلَّفْتُمُوهُ الْجَزِيَّةَ حَتَّى إِذَا ضَعُفَ تَرَكْتُمُوهُ  
يَسْتَطْعِمُ. فَأَجْرَى عَلَيْهِ مِنْ بَيْتِ الْمَالِ عَشْرَةَ دَرَاهِمَ، وَكَانَ لَهُ عِيَالٌ.

‘When we reached al-Jābiya with ‘Umar b. al-Khaṭṭāb there was an elderly man from the non-Muslim citizens who was begging others and asking for food. ‘Umar inquired about him and we said, “O Commander of the Faithful! This is a man from the non-Muslim citizens. He is elderly and weak”. Upon learning of this, ‘Umar exempted him from the tax that was due from him and said, “You burdened him with the payment of the tax and when he became weak you left him to beg!” Then ‘Umar provided him with ten dirhams [monthly] from the public treasury because he had his family’.<sup>1</sup>

#### 5.4 THE PROTECTION OF NON-MUSLIM CITIZENS DURING THE REIGN OF ‘UTHMĀN B. ‘AFFĀN رضي الله عنه

The third phase of the Rightly Guided Caliphate started with a heart-wrenching tragedy. A non-Muslim assassinated ‘Umar b. al-Khaṭṭāb رضي الله عنه, making him a martyr. ‘Ubayd Allāh b. ‘Umar was so enraged at the assassination that he killed three people who were involved in the conspiracy: two of whom were Christians and one of whom was a Muslim. After this, ‘Ubayd Allāh was detained and soon after assuming the role of the third Caliph, ‘Uthmān b. ‘Affān رضي الله عنه sought the opinion of the Companions regarding his status. The consensus of the Companions was that ‘Ubayd Allāh b. ‘Umar should be killed in retribution. Had the heirs of those killed not reconciled and forgiven him in lieu of blood money, ‘Ubayd Allāh would most certainly have been killed. After the reconciliation was reached, the blood money was evenly distributed amongst the victims’ families.<sup>2</sup> Imam Abū ‘Ubayd, Imam Ḥumayd b. Zanjawayh and al-Balādhūrī have cited the following words of ‘Uthmān’s رضي الله عنه official order:

<sup>1</sup> Ibn ‘Asākir, *Tārīkh Dimashq al-kabīr*, 27:334.

<sup>2</sup> Ibn Sa’d, *al-Ṭabaqāt*, 5:17.

إِنِّي أَوْصِيكَ بِهِمْ خَيْرًا، فَإِنَّهُمْ قَوْمٌ لَهُمُ الدِّمَّةُ.

‘I hereby command you to deal with the non-Muslim citizens in an excellent manner, for they are a folk with a complete guarantee [of protection and rights]’.<sup>1</sup>

This establishes that the blood of Muslims and non-Muslims is of equal sanctity.

### 5.5 THE PROTECTION OF NON-MUSLIM CITIZENS DURING THE REIGN OF ‘ALĪ B. ABĪ ṬĀLIB عليه السلام

During the caliphate of ‘Alī b. Abī Ṭālib عليه السلام, non-Muslim citizens continued to enjoy the same rights and protections they had during the prophetic period and that of the three preceding Rightly Guided Caliphs.

A Muslim who had killed a non-Muslim was presented in the court of ‘Alī عليه السلام. After the proof of his crime was furnished and found valid, ‘Alī عليه السلام ordered him to be killed in retribution. The heirs of the killer managed to get the brother of the victim to pardon him in return for a blood money payment. When ‘Alī learned of this he said to one of the heirs of the victim,

لَعَلَّهُمْ فَرَعَوْكَ أَوْ هَدَّوْكَ؟

‘Did they [the heirs of the killer] scare you or threaten you in any way?’

He replied in the negative and said that his brother would not come back, even if the killer was killed in retribution, and that since the heirs of the killer would be paying the blood money, which would take care of the needs of his brother’s [the victim’s] family, he agreed to the reconciliation out of his own will without any pressure. Upon hearing this, ‘Alī عليه السلام said that the final decision rested with him, for he knew better what to do; however, the operative principle of the Shariah is that

<sup>1</sup> Cited by Ibn Sa‘d in *al-Tabaqāt*, 1:360; Abū Yūsuf in *Kitāb al-kharāj*, p. 80; Abū ‘Ubayd al-Qāsim b. Sallām in *Kitāb al-amwāl*, p. 246 §505; Ibn Zanjawayh in *Kitāb al-amwāl*, p. 451 §732; and al-Balādhurī in *Futūḥ al-buldān*, p. 91.

مَنْ كَانَ لَهُ دِمَّتُنَا، فَدَمُهُ كَدِمْنَا، وَدَيْتُهُ كَدَيْتَنَا.

‘Whoever is under our guarantee of protection, then his blood is like our blood, and the blood money due to him is like the blood money due to us’.<sup>1</sup>

According to another tradition, our master ‘Alī عليه السلام said,

إِذَا قَتَلَ الْمُسْلِمُ النَّصْرَانِيَّ قُتِلَ بِهِ.

‘If a Muslim kills a Christian, he should be killed in retribution’.<sup>2</sup>

## 5.6 THE PROTECTION OF NON-MUSLIM CITIZENS DURING THE REIGN OF ‘UMAR B. ‘ABD AL-‘AZĪZ عليه السلام

In strict accordance with the teachings and conduct of the Prophet ﷺ and the practice of the Rightly Guided Caliphs, ‘Umar b. ‘Abd al-‘Azīz عليه السلام would always instruct his officials, saying,

لَا تَهْدِمُوا كَنِيسَةً وَلَا بَيْعَةً وَلَا بَيْتَ نَارٍ.

‘Do not demolish any church, cloister or Zoroastrian temple’.<sup>3</sup>

There is a famous incident in which an Umayyad ruler, Walīd b. ‘Abd al-Mālik, seized a piece of property belonging to the Church of Damascus and made it a part of a mosque. When news of this reached ‘Umar b. ‘Abd al-‘Azīz, he ordered the demolishment of that portion of the mosque and instructed that it be returned to the Christians. One report about this incident reads:

لَمَّا اسْتَخْلَفَ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ عليه السلام، شَكَى النَّصَارَى إِلَيْهِ مَا فَعَلَ الْوَلِيدُ بِهِمْ فِي كَنِيسَتِهِمْ، فَكَتَبَ إِلَى عَامِلِهِ يَأْمُرُهُ بِرَدِّ مَا زَادَهُ فِي الْمَسْجِدِ.

<sup>1</sup> Narrated by al-Bayhaqī in *al-Sunan al-kubrā*, 8:34; al-Shāfi‘ī in *al-Musnad*, 1:344; and cited by al-Shaybanī in *Kitāb al-hujja ‘alā Ahl al-Madīna*, 4:355.

<sup>2</sup> Cited by al-Shaybānī in *Kitāb al-hujja ‘alā Ahl al-Madīna*, 4:349; and al-Shāfi‘ī in *al-Umm*, 7:320.

<sup>3</sup> Cited by Ibn Qayyim al-Jawziyya in *Aḥkām ahl al-dhimma*, 3:1200.

‘When ‘Umar b. ‘Abd al-‘Azīz رحمه الله became the Caliph, the Christians complained to him about al-Walīd’s seizure of Church property. He dictated orders to his governor there, commanding him to return to them the portion that was added to the mosque’.<sup>1</sup>

‘Umar b. ‘Abd al-‘Azīz رحمه الله said to one of his governors,

إِنْ كَانَتْ مِنَ الْخُمْسِ عَشْرَةَ كَنِيسَةً أَلَيْتُ فِي عَهْدِهِمْ فَلَا سَبِيلَ لَكَ إِلَيْهَا.

‘If it [their Church] was from amongst the fifteen Churches that were extant during their reign, then it is off limits to you’.<sup>2</sup>

It is also reported that ‘Umar b. ‘Abd al-‘Azīz رحمه الله wrote to the governor about a Muslim in his territory who had killed a non-Muslim citizen. He ordered him to hand that Muslim over to the guardian of the victim, who was then given the choice to either pardon him or have him. The governor handed the killer over to the guardian of the victim, and the former was subjected to capital punishment.<sup>3</sup>

Whether during the prophetic period or the period of the Rightly Guided Caliphs and those after them, Islamic history is replete with the examples of excellent treatment towards non-Muslim citizens of the Islamic state. The members of other nations and religions would live a peaceful and comfortable life there to the extent that they regarded Islamic rule preferable to the rule of others. Their places of worship were afforded complete protection and security, and they were free to follow and practise their religion. All of their economic needs were met from the *bayt al-māl* (public treasury). People were so impressed by the Muslims’ excellent manners and character that millions of non-Muslim citizens chose to embrace Islam willingly out of their own volition.

<sup>1</sup> Cited by al-Balādhūrī in *Futūḥ al-buldān*, p. 150.

<sup>2</sup> Cited by Abū ‘Ubayd al-Qāsim b. Sallām in *Kitāb al-amwāl*, p. 201 §426; and Ibn Zanjawayh in *Kitāb al-amwāl*, p. 387 §635.

<sup>3</sup> Narrated by ‘Abd al-Razzāq in *al-Muṣannaf*, 10:101 §18518.

It is disconcerting to see that Muslims—let alone non-Muslims—are not safe from the terrorist activities of the modern-day extremists. The peace of society is shattered, blood is shed with reckless abandon and properties and infrastructures are subject to wanton destruction. The conduct of today's terrorists defaces the 1400-year history of Islam's excellent treatment of non-Muslim citizens. The acts of terrorism committed today do not champion the cause of Islam; rather, they malign its good name.